

111803
16805 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No
A-1789div

Total Pages in this Submission

68

Mail Stop Patent Application
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 CFR 1.53(b) is a new utility patent application for an invention entitled:

Methods and Kits for Detecting ITA in a Biological Sample

and invented by:

Pandian et al.

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/918,299

Enclosed are **Application Elements**:

- ☒ Filing Fee
- ☒ Specification having 42 page(s) and including the following:
 - ☒ Title of the Invention
 - ☐ Cross References to Related Applications (if applicable)
 - ☐ Background of the Invention
 - ☒ Brief Summary of the Invention
 - ☒ Description of the Drawings
 - ☒ Description of the Preferred Embodiment
 - ☒ Claim(s) as Classified Below
 - ☒ Abstract of the Disclosure
- ☒ 8 Sheets of Drawings(s) (37 CFR 113) ☒ Formal ☐ Informal
- ☒ Oath or Declaration ☒ Executed ☐ Unexecuted
 - ☒ Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- ☒ Power of Attorney ☒ Executed ☐ Unexecuted
 - ☒ Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- ☒ Incorporation By Reference -- The entire disclosure of the prior application from which a copy of the oath or declaration is supplied under the above entry, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Computer Program in Microfiche (Appendix)

Accompanying Application Parts

- ☒ Assignment Papers (cover sheets & documents(s))
 - ☒ The prior application is assigned of record to Quest Diagnostics Investments Incorporated
 - ☒ Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
- ☐ English Translation Document (if applicable)

033187 U.S. PTO
10/716739
111803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: /
Pandian et al. /
/

Filed: HEREWITH /
/

For: METHOD AND KITS FOR DETECTING ITA IN /
A BIOLOGICAL SAMPLE /

EXPRESS MAIL MAILING LABEL NO. **EV204258113US**

Date of Deposit: **November 18, 2003**

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under CFR 1.10 on the date indicated above and are addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

1. Application Transmittal Form;
2. Application Data Sheet;
3. Preliminary Amendment; (4 pages)
4. Copy of parent Specification (42 pages)
(37 pages including Abstract/ and 41 claims (5 pages);
5. Formal drawings and transmittal (8 sheets);
6. Copy of parent Declaration and Power of Attorney;
7. Copy of recorded parent Assignment;
8. Information Disclosure Statement;
9. PTO1449 -- 2 sheets; and
10. Return Receipt postcard.

Each of the 10 above-identified documents are enclosed herewith.

Respectfully submitted,



Diane Rasmusson
Office of Greg S. Hollrigel
Registration No. 45, 374
4 Venture, Suite 300
Irvine, CA 92618

Telephone 949/ 450-1750
Facsimile 949/ 450-1764



- ☒ 1803 Information Disclosure Statement/PTO-1449 [] Copies of ___ IDS Cited Reference(s)
- ☒ Preliminary Amendment
- ☒ Acknowledgment postcard
- ☐ Application is entitled to Small Entity Status.
- ☒ Application Data Sheet
- ☐ Request of NON-PUBLICATION of Application
- ☒ Certificate of Mailing by Express Mail
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

Fee Calculation and Transmittal

*The filing fee is calculated on the basis of the claims existing in the prior application as amended by the accompanying preliminary amendment noted above.

| CLAIMS AS FILED | | | | | |
|--|--------|----------|--------|------------|-----------|
| For | #Filed | #Allowed | #Extra | Rate | Fee |
| Total Claims | 3 | - 20 = | 0 | X \$ 18.00 | \$ 0.00 |
| Independent Claims | 1 | - 3 = | 0 | X \$ 86.00 | \$ 0.00 |
| Multiple Dependent Claims (check if applicable) [] | | | | | \$ 0.00 |
| BASIC FEE | | | | | \$ 770.00 |
| SUBTOTAL | | | | | \$ 770.00 |
| (Application is entitled to small entity status under 37 CFR 1.9 and 1.27) adjusted small entity status claim fees [rate ÷ 2] SMALL ENTITY STATUS | | | | | no |
| OTHER FEE (specify purpose) | | | | | \$.00 |
| TOTAL FILING FEE | | | | | \$ 770.00 |

- [] A check in the amount of \$ _____ to cover the filing fee and the assignment recordation fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and/or credit Deposit Account Number 13-5135 as described below.
- ☒ Charge the amount of \$ 770.00 as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 CFR 1.16 and 1.17.

Respectfully Submitted,

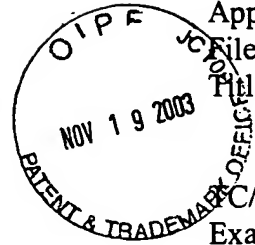
Greg S. Holrigel, Ph.D.
Registration Number: 45,374
Customer Number: 33197

November 18, 2003
Stout, Uxa, Buyan & Mullins, LLP
4 Venture, Suite 300; Irvine, CA 92618
phone (949) 450-1750; fax (949) 450-1764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/918,299 Confirmation No. 9863
Applicant : PANDIAN et al.
Filed : July 30, 2001
Title : METHODS AND KITS FOR DETECTING ITA IN A BIOLOGICAL
SAMPLE
PC/A.U. : 1600/1641
Examiner : COUNTS, G.W.

Docket No. : A1789
Customer No. : 33197



Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail with sufficient postage in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: Nov. 18, 2003
By: Diane Rasmussen

PETITION FOR THREE-MONTH EXTENSION OF TIME

Dear Sir:

This petition is being submitted in response to the May 19, 2003 Office Action issued by the United States Patent and Trademark Office regarding the above-identified application. A response to the Office Action was due August 19, 2003. Applicant hereby petitions for a three-month extension of time. A response with a three-month extension of time is due November 19, 2003. The Commissioner is hereby authorized to charge the petition fee for a three-month extension of time (\$950.00) to Deposit Account No. 13-5135. Accordingly, this application is pending until November 19, 2003. A divisional application is being filed concurrently herewith.

Date: 11/18/03

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg S. Holtrigel".

Greg S. Holtrigel
Registration No. 45,374
Stout, Uxa, Buyan & Mullins, LLP
4 Venture, Suite 300
Irvine, California 92618
Telephone: 949-450-1750

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: \
Pandian et al. \

Filed: Herewith \

For: METHODS AND KITS FOR DETECTING ITA IN A \

BIOLOGICAL SAMPLE \

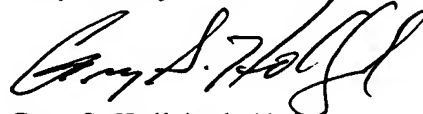
Mail Stop PGPUB Drawings
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FORMAL DRAWINGS

Sir:

Submitted herewith are eight (8) sheets of formal drawings.

Respectfully Submitted,



Greg S. Hollrigel, Ph.D.
Registration No. 45,374

November 18, 2003
4 Venture, Suite 300
Irvine, CA 92618
949-450-1750